Office of the Employer Adviser

Annual Report

2011-2012

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2011 - 2012

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A Message from the Director

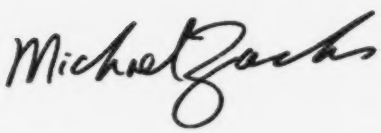
I am pleased to submit this report on the OEA's activities for 2011-2012.

The OEA continues to be second to none in providing advice, education, and training to small employers. Our clients remain highly satisfied with our services, and over ninety percent of our clients were willing to recommend the OEA to other employers.

This reporting period saw us successfully plan and implement a response to the expanded jurisdiction given us by the Bill 160 amendments to the *Occupational Health and Safety Act*. Bill 160 empowered the OEA to represent employers with fewer than fifty workers in reprisal complaints. We also stepped up our education efforts for the construction industry to inform them about the coming changes to the policies affecting their industry by hosting a series of Bill 119 webinars that were well received. These significant changes starting in 2013 will bring mandatory WSIB coverage to independent operators and executive officers engaged in construction.

We endeavour to provide the best professional advice and representation services we can, and offer more comprehensive and current information on our website and through our electronic bulletins. Our Employer Guides for the construction and non-construction sectors are regularly updated so they remain relevant, making critical information more accessible to employers. We continued to speak at numerous conferences and workshops on a variety of WSIB issues to ensure that employers have the current and necessary information they need to help them manage their WSIB obligations.

I wish to express my continued appreciation to our stakeholders whose ongoing support is critical to our success, and to my staff for their dedication and commitment to serving the employers of Ontario.



Michael Zacks
Acting Director

Part 1 OEA Mandate

The mandate of the Office of the Employer Adviser is established by Section 176(2) of the Workplace Safety and Insurance Act, 1997 ("the WSIA"),

... to educate, advise and represent primarily those employers with fewer than 100 employees, in issues arising under the WSIA.

Our vision and mission flow from this legislative mandate:

OEA VISION

An Ontario in which small and medium-sized businesses operate safe, fair and high-performing workplaces that contribute to a vibrant, competitive economy.

OEA MISSION

The OEA's mission is to be the premier organization for providing representation, advice and education to Ontario employers regarding workplace safety and insurance matters.

The Director of the OEA is an Order-in-Council appointment. Michael Zacks, OEA General Counsel, was appointed by Ministerial letter, in 2004, to act in this position pending an Order-in-Council appointment.

Part 2 Overview of Programs and Activities

Advisory Services

Workplace safety and insurance remains one of the critical responsibilities of Ontario employers. The OEA provides advice to help employers meet their obligations under the WSI (Workplace Safety and Insurance) system in a timely and cost effective manner. Employers rely on our advice to better understand a very complex program, avoid errors and ultimately to better safeguard their workplaces and their workers. Timely access to accurate information means that clients make informed decisions, obtain better business outcomes, increase their self reliance and avoid appeals.

Although the OEA's mandate is to primarily serve employers with fewer than 100 workers, Advice Centre personnel provide just-in-time counsel to all Ontario employers who have WSI questions or concerns. Having access to the expertise of the OEA's trained staff provides all employers with an equal playing field, enabling them to make good business decisions, avoiding costly mistakes, or incurring unnecessary penalties. No fees are payable for OEA services, since the agency is funded by the WSIB (Workplace Safety and Insurance Board), ensuring availability of expert and confidential advice whenever an employer requires it. This is especially important for small employers, since they typically do not have such expert resources in-house.

The OEA Advice Centre is staffed by four Intake Advisers located in its Toronto head office, who take calls from Ontario employers about their workplace safety insurance concerns. The Advice Centre also accepts e-mail enquiries, meaning that employers can table their issues outside business hours, if that is most convenient; these queries often result in a return phone call from an Intake Adviser to discuss the matter in greater depth.

The circumstances of each call are different and the agency's trained Intake Advisers provide advice that is detailed, thorough and tailored to the business realities of each client. Calls may be as brief as five minutes, for simple issues such as where to find a WSIB form, to hour plus sessions to completely discuss such complex matters as how to return an injured worker to work, or options, if any, for dealing with a large or unexpected premium increase. Clients appreciate the Advice Centre's emphasis on answering calls live – i.e. talking to them when they call in, whenever possible – so that the advisers work to the employer's schedules, talking to them when it is convenient for them, providing prompt and complete advice.

Client satisfaction with services provided by the Advice Centre, as measured through random telephone surveys, is 97%. Clients recommending the services of the OEA to other employers, historically an even more significant indicator of overall satisfaction, is 100%. These numbers are comparable to last year – 98% and 97.9% respectively – and are significantly higher than the 90% target levels. The OEA is very pleased to be able to report this high level of satisfaction, year after year. It speaks very well to the calibre of the advice provided by the agency's staff and their commitment to serving the needs of its clients.

The agency continues to focus on dealing with employer enquiries as quickly as possible. During this reporting period 85.1% of all incoming calls went directly to an adviser, with the remainder responded to within one business day. The comparable figure for 2010-11 was 84.2%; both exceeded the 70% target for 'answering calls live'. Getting such immediate access to expert advice means time saved for employers, and ensures that matters are addressed – and resolved – when and as the need arises.

Similarly, e-mail enquiries are responded to on a priority basis, within one business day.

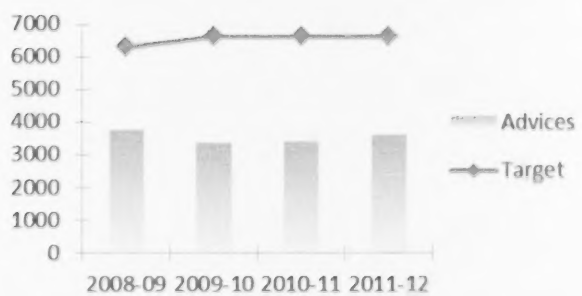
OEA Employer Specialists are also available to provide advice. There are sixteen Employer Specialists located in communities throughout Ontario. Many employers have

come to know their local specialist through referrals from the WSIB, the Workplace Safety and Insurance Appeals Tribunal (WSIAT), health and safety associations, community and business groups, or existing and former OEA clients. In addition, Employer Specialists routinely speak, by invitation, at their local Chambers of Commerce and other community groups. Employers often establish regular, on-going relationships with their regional representatives; regional contact and increasing local presence continues to be an outreach priority for the OEA.

Fiscal 2011-12 saw the instances of advice provided to Ontario employers by the call centre increase again year over year. This year's increase of 6% – 3,612 versus 3,404 for the last fiscal year – is significant because we now have a two year history of increases after multiple years of declining use. It also aligns with overall increases in advices provided via other delivery channels and reflects the success of our substantial investment in outreach and marketing. Awareness of OEA services is increasing.

Figure 1

Instances of Advice ('Advices') to Employers



Maintaining a high level of training and expertise in call centre personnel is critical to the agency being able to provide the technical, one-on-one advice required by employers. There is no longer only one access point to use the OEA's advice services, and more

and more clients are availing themselves of the variety of delivery options, choosing the one that is most convenient.

One alternative delivery option is a 'web advice', which can be tracked through the use of Google analytics for the OEA website. This statistic reflects the use of the website by employers seeking comprehensive information about the WSI system and their obligations and rights. Available 24/7, during the current fiscal year the website delivered 14,314 'web advices' – an increase of more than 75% from the 8,114 delivered last year. This is almost 1,200 per month, approximately four times more than the number of clients who call directly into the Advice Centre. The definition of a 'web advice' is: a user who spent more than 1 minute on the website *and* accessed more than 3 pages of web content, *and* excludes anyone leaving the website after just accessing the home page. Note that 'hits' on the website, which do not reflect this level of information-gathering, are ten times greater. These three 'web advice' criteria are stringent and serve to identify clients who are searching the OEA website, and getting the advice they require to address their concerns and inform their actions.

The website also provides for clients to send in e-mail queries using the readily accessible online form. E-mail queries sent to the Advice Centre were up 8.2% in 2011-12 (131 versus 121) over the previous fiscal year, after being down in the previous reporting period. Since this is a relatively new statistic and the numbers are actually quite small, the volatility might be a little misleading. It would appear that e-mail queries annually are in the 120-140 range. The fact that this is so low, and that 'web advices' are so high, would seem to speak to the accessibility of information on the OEA website – i.e. the easy search capabilities and access to well-organized problem-oriented information, means that employers can find answers for uncomplicated, employer focused worker's compensation issues.

Another indicator of the success of the agency's web-based education strategy is the number of advices provided in 2011-12 to clients who called the Advice Centre as a

result of using the OEA website. The number of such advices this year was 195, down from last year's all time high of 259. Last year's figure was perhaps anomalous, and may have been due to the many significant policy changes that were implemented by the WSIB, which required additional personal clarification from Advice Centre personnel. The typical range over the last four reporting periods is 168 to 195 referrals. It is to be expected that this statistic would reflect complexity of policy change/implementation in any given fiscal year.

The OEA website organization into construction and non-construction focused portals, and intuitive and user-friendly organization of information within those divisions, appears to be working for Ontario employers, and ensures, in conjunction with the availability of live Advice Centre service, that employers have ready access to the information they need, when they need it, to meet their WSI obligations.

It is worth noting that most calls to the Advice Centre require significant problem solving, unique to the employer. Similarly, referrals to Employer Specialists, as a percentage of advices per se, continue to be higher than historical levels. This is another indicator of the increased complexity of employer issues now forming the core business of the agency.

The OEA continues to have its system partners include references to their services and toll free number in letters and publications (e.g. the WSIB form letters routinely direct employers needing assistance to the OEA); and the Ontario Business Connects (OBC) program, delivered through Service Ontario, remains an important vehicle for the widespread distribution of the agency's popular Employer Guides – both the non-construction and construction versions.

As noted in previous reports, a small employer typically 'needs' advice services only once every eight years or so. It remains a challenge for the OEA to be 'front-of-mind' as a primary resource for Ontario employers – increasing awareness in all business

sectors of our free, expert and confidential services and sustaining awareness among our client community remain high priority outreach focuses.

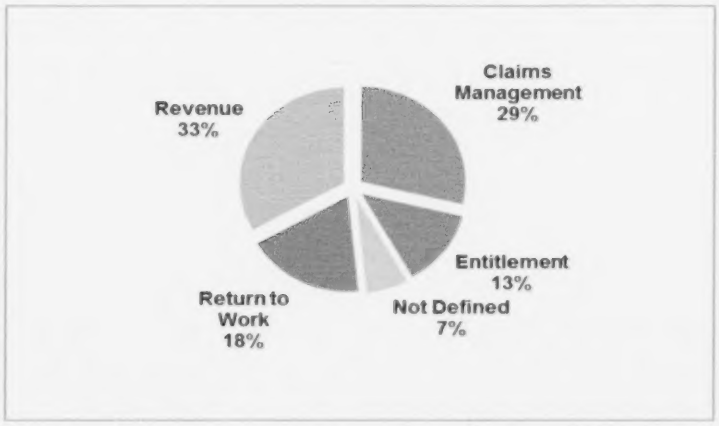
As part of these efforts, in 2011-12 the OEA continued with its focus on informational sessions provided to stakeholder groups covering such things as the WSIB's work re-integration policies and other topics as requested. Significantly, the OEA began providing webinars – internet-based presentations - to stakeholders this fiscal year. Additional detail about these efforts is contained in the "Value to Clients" section of this Report.

Analysis of the subject of the advice being provided shows that more inquiries continue to be about Revenue issues than anything else; at 33% this is less than last year (36%), but in line with historical figures. As with previous fiscal reports, the second most important focus of concern was Claims Management, at 29%.

Return to Work remains a significant focus, reflecting the policy changes implemented by the Board during this reporting period. Entitlement is the fourth most common area of inquiry, a consistent placement year over year. Figure 2, overall, is indicative of the workplace safety and insurance issues facing Ontario employers and their business priorities. Specifically, such employer concerns as the premiums they are being charged to fund the system – including issues such as the rate group where they have been classified, the Board's remittance practices, independent operator status, etc. - and the widespread lack of knowledge in the employer community about their obligations under the WSIA.

Figure 2

Advice Issues 2011-2012



As noted, our clients are generally very satisfied with the services provided by the OEA, and it is felt that at least part of that satisfaction is due to the high percentage of Advice calls that are taken 'live'; this involves getting an Intake Adviser on the line directly, rather than going into voice-mail and waiting for a return phone call at a time that may not be as convenient for the inquiring employer, or when the problem has resolved itself (either positively or negatively). The answer live rate was 85.1% for 2011-12, very comparable to last year's 84.2% figure. In both reporting periods the Advice Centre significantly exceeded its target of answering 70% of calls live.

Representation Services

According to the OEA's mandate, the agency primarily represents employers with fewer than 100 employees in disputes arising under the WSIA, at both the WSIB and at the WSIAT (see Figure 5, page 18). At the operating level of the WSIB, representation services involve negotiation, which is provided by an Intake Adviser or by an Employer Specialist, by means of telephone calls and/or correspondence. At the two appeal levels (WSIB Appeals Branch and WSIAT), as well as in return-to-work or work re-integration negotiations, Employer Specialists provide the representation services. At this level, representation involves a range of activities, from negotiation to appearing at mediations or hearings with the employer and managing the case on their behalf.

The OEA, through its representation services, plays an important role in reducing conflict in the WSI system. OEA Intake Advisers and Employer Specialists maintain good working relationships with staff at the WSIB operating levels, and contact them early in a new case to discuss resolution options. All agency staff works with their WSIB counterparts to ensure that Ontario employers have high quality representation within the system. The agency continues to focus on reaching unrepresented employers, working with the Board to have referrals made to the OEA where appropriate. Staff involvement in such things as RTW (return to work) plans and negotiations ensures an equal footing for both workplace parties, and supports a solution that returns employees to the job in a timely, cost-effective manner, removing some strain from the system. Similarly, agency staff works closely with the WSIB Collections Branch, to facilitate the payment of premiums that are due and to ensure that employers pay their share in a way that complements their on-going business needs.

Negotiations continue to be a preferred interim resolution step, since they usually offer a faster, more efficient solution. Because employers need to, and have a preference for, spending their resources on activities associated with direct contributions to their

profitability, an appeal is usually the second-choice dispute resolution alternative. In response to this employer bias, the OEA continues to promote the early resolution of disputes. Performance Measure A1 (see Appendix A) reflects the agency's achievement in this effort: in 2011-12 the OEA resolved 70% of disputes without a hearing, right at its 70% target level, slightly higher than the 69% attained last year. Given that OEA staff have no direct control over whether an employer and/or worker agrees to a negotiated settlement, the agency is pleased with the way it is able to contribute to the lessening of conflict within the WSI system, through the resolution of so many disputes without a hearing.

While these efforts often successfully conclude cases at the operating level of the WSIB, some cases do proceed to appeal. Also, some employers do not learn of the availability of OEA (free) services until their case has progressed to the appeal stage. Of the 1,572 cases worked on in 2011-12, Employer Specialists represented employers in 249 cases that involved mediations/negotiations – slightly lower than last year's comparable figures of 1,772 cases worked on, with 260 mediations. Whether cases proceed to appeal or not, agency staff always strive to resolve matters as soon as possible. In a system where 95% of appeals are worker-driven, OEA involvement improves balance in the system, ensuring that employers' perspectives and needs are being both represented and respected.

Further analysis of the 1,572 cases worked on during the 2011-12 reporting period reveals the following:

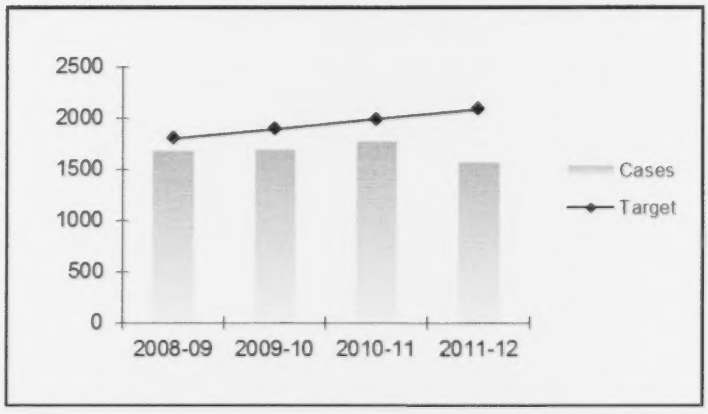
- 647, or 24%, were resolved, compared to 42% for last year;
- 540 cases, or 29%, were new in-year, comparable to last year's 571 new cases. The timelines to resolve employers' appeals continue to be long, reflected in the significant carryover of cases year to year;
- 23% had a successful outcome for the client, down slightly from last year's 28% figure. Note that many cases have multiple levels of results and appeals, and

success at one level may be overturned at the next. The 23% figure for 2011-12 indicates the level of success across the various levels, and not final results, and accords with the inherent default for the system to favour the worker.

With regard to client satisfaction, 99% of employers surveyed indicated that they were satisfied with their OEA representation, even higher than the 97% from last year; 100% said that they would recommend our services to others, compared to last year's 98.7%. All are significantly higher than the target level of 90% and indicate an employer community that is very appreciative of the work done on their behalf by agency staff. The satisfaction measurement itself can be tainted by whether the employer won or lost their appeal, since they often find it difficult to separate the decision from their representation, hence the difference between the two measures. It remains a challenge for OEA staff to educate employers to ensure that dissatisfaction with a WSIB/WSIAT decision is not inappropriately registered as dissatisfaction with their representation services.

Figure 3

Cases Worked On, 2011-12

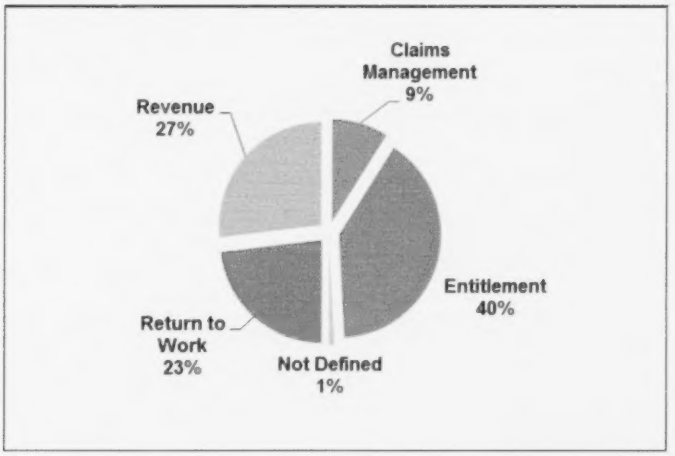


In comparison with the data for instances of advice, analysis of the representation issues shows Entitlement to be the number one concern of employers, not Revenue. Virtually identical with previous years, Revenue issues are second and Return to Work

is also very significant, in third place, with Claims Management being the issue for about 9% of employers. These statistics are reflective of the areas having the biggest impact on employers, and where agency assistance can be of the most benefit to them.

Figure 4

Case Issues 2011-12



Education of Employers

On average, a small employer has a workplace injury occur once every eight years. At the time of the injury, the employer's need for information about claims management and return to work is acute. Chances are, however, that most small business owners do not have the requisite information at their fingertips, since most of their time and resources are of necessity focused on business growth and profitability. Compounding this lack of information is the fact that few small employers have the time or available staff to attend seminars or education sessions, either when the need is acute, or pro-actively.

Accordingly, the OEA's educational strategy evolved from one based on having employers attend intensive adult-education workshops, to a multi-channel approach which makes information available to employers in a format that is timely, relevant and accessible. The focus of the agency's education strategy in recent years has been to ensure that employers expand their understanding of the WSI system as part of the representation process; posting useful information and tools on the OEA website; and assisting stakeholders – interest groups/employer advocacy organizations, stakeholder employer associations, etc. - with their education initiatives where appropriate.

In 2011-12, the OEA continued to meet the need in the employer community for additional information about Work Reintegration and Claims Management and started to provide briefings about Bill 119, which affects Independent Operators in the construction sector. Most presentations were provided in cooperation with various stakeholder groups, including safety associations, trade associations, etc. More than 67 presentations were made to different client groups about the role of the OEA, WSIB policies, and policy changes and their impact on Ontario employers. Webinars are proving to be ideal educational delivery vehicles, allowing for direct access to relevant information to employers at locations convenient to them, and with the least time commitment. Webinars also have the advantage of being cost and resource effective for the OEA. In all, more than 1,610 employers attended an OEA presentation/briefing/workshop during the 2011-12 fiscal year, an increase in attendance of more than 6% over the previous reporting period. Combined with last year's 7% increase, it appears that the agency is reaching a significant number of Ontario employers, on an on-going basis. The OEA will continue to accept invitations to develop and maintain this educational channel. Our plans to offer a series of webinars providing fundamental information about the WSIB and employers rights, obligations, and options under the WSI system, as well as sessions focusing on the timely provision of information about policy changes at the WSIB and needed actions/reactions offer the agency greater independence in setting its education agenda and reaching a larger client base.

One of the goals of the agency's representation services is to build self-reliance for employers within the WSI system, by making sure that they understand their roles and responsibilities under the Workplace Safety and Insurance Act. This includes teaching employers how to improve their claims management and return-to-work procedures, and how the WSIB's experience rating system works, so that employers will be more independent and knowledgeable in the future. Performance Measure A2 (see Appendix A) shows the proportion of OEA clients who used agency services for the first time in 2011-12. Approximately 50% of advices were provided to new contacts in 2011-12, a little lower than the 54% reported for 2010-11. The agency will continue to try to reach as many Ontario employers as possible through its education and outreach efforts.

On the representation side, 45% of the OEA's new cases in 2011-12 were first time clients, very comparable to last year's 43% achievement. We have experienced some volatility with this statistic, historically having variances between 14 and 74%; we anticipate that this year-over-year similarity indicates a new equilibrium, reflecting consistency in the results of our on-going outreach efforts.

In addition to the 'hands-on' education provided through casework, the OEA strives to meet the needs of its broad customer base by providing WSIB-related information through a variety of access/delivery mechanisms:

- Current content and notices of presentations and other meetings are maintained on the www.employeradviser.ca website.

- E-bulletins continue to go out to the OEA client database up to eight times per year in newsletter format. The format of the e-bulletins has been revamped and we continue to refine content to ensure timely delivery of information to all subscribers.

- E-bulletins continue to be archived on the OEA website, with current e-bulletin content showcased as the most recent website updates. Employers using the site can sign up for e-bulletin subscriptions while visiting.

- The OEA continues to have four versions of its very popular Employers Guide: two separate guides specifically targeted for Non-Construction and Construction employers are available in both English and French. Filled with information about such things as who should register with WSIB, how to do so, what an employer's rights and responsibilities are under the WSIA, etc., the guides serve as employer-group specific ready references for soon-to-be employers as well as those engaged in small to medium sized businesses. The construction/non-construction separation is reflected in the website setup, and ensures that employers can find information for their business type easily. Hard copy editions continue to be disseminated through Service Ontario and Ontario Business Connects locations and as personal handouts to employers by staff. In 2011-12 approximately 3,560 Employers Guides – 1,450 Construction and 2,110 Non-Construction – were provided to Ontario employers. This is significantly fewer than last year's distribution (4,846) and reflects the agency's shift to web-based delivery – the guides are available in their entirety on our website/s – and increased publication costs.

Part 3 OEA Clients

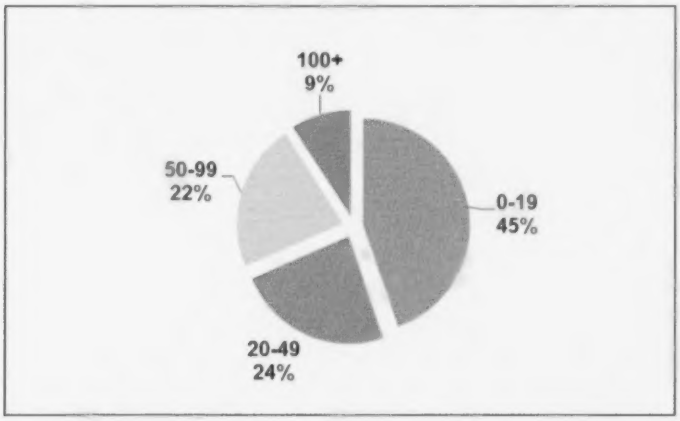
Since the OEA's mandate is to serve primarily those employers with fewer than 100 workers, the merit review undertaken before the OEA represents an employer includes determining their size. The agency only represents employers with more than 100 workers where the issues involved could set precedents, where highly complex medical/legal issues need to be addressed or where other extenuating circumstances are involved, and is subject to management approval. In fiscal 2011-12, 9% of clients provided with agency representation had more than 100 employees.

It is not administratively viable to screen employers contacting the call centre in order to deny advice to those with more than 100 employees; and permitting access to advice to all Ontario employers is also accepted as beneficial to the system, overall. Thus 19.4% of all advices for 2011-12 were provided to employers with 100 plus employers. This is similar to last year's figure of 17.1% and on a par with historical levels, on average. Last year may be interpreted as somewhat anomalous. The OEA will continue to provide advice services to as many of Ontario employers as contact us.

Figure 5

Breakdown of OEA Representation Clients by Company Size (number of employees)

2011-12



The sectoral analysis below is based upon WSIB classifications. The breakdown is consistent with the prevalence of small to medium sized employers in the different industry sectors. The construction industry continues to be the agency's largest client group at 35%, comparable (34%) to the last reporting period, indicative of the significant impact of changes in Board's policies, pending and implemented, on this sector. Other sectors are little changed from previous reporting periods, mirroring the overall business distribution of Ontario employers.

Figure 6

Breakdown of OEA Clients by WSIB Industry Sector

2011-12

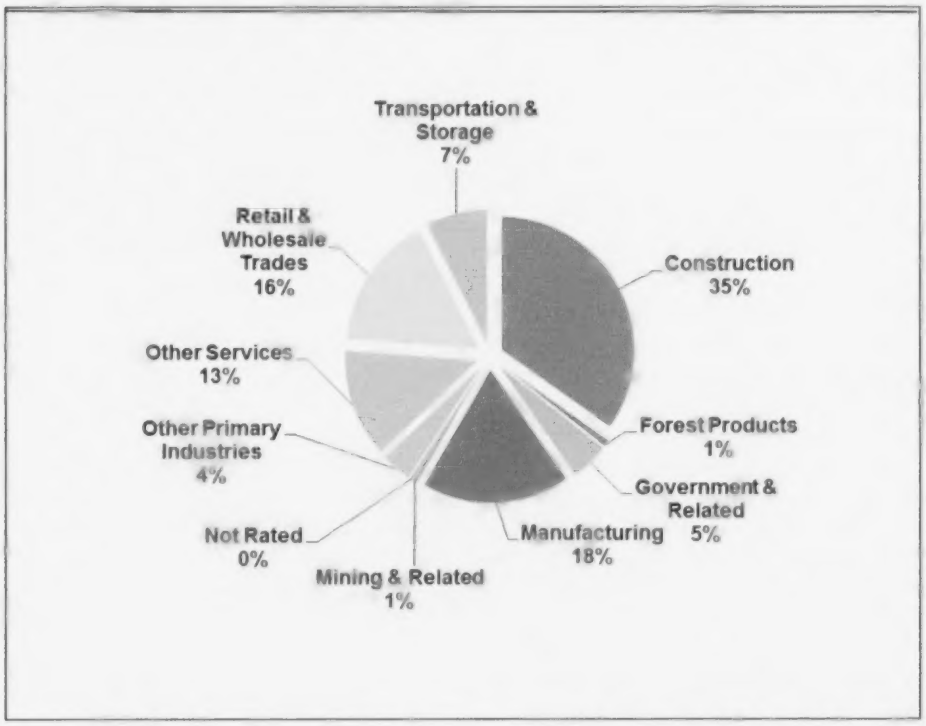
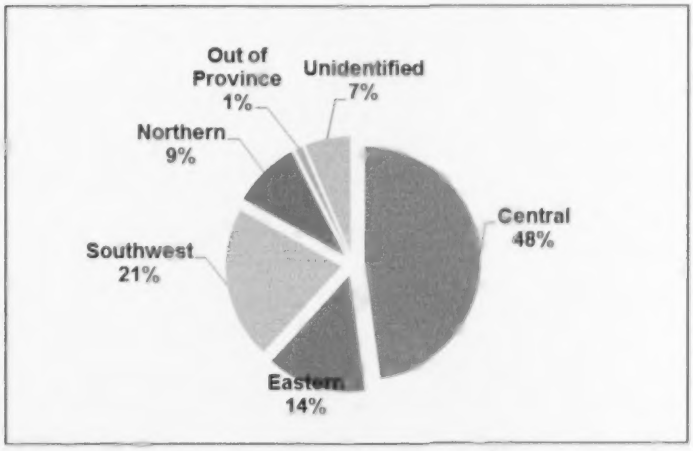


Figure 7 provides the breakdown of the regional distribution of OEA clients for 2011-12. Service delivery appears to reflect the population and business demographics of the province, with the Central area, which includes the Greater Toronto Area, comprising the largest client group. The distribution is virtually identical to last year. The agency's

location of Employer Specialists around the province enables the provision of representation services to employers in their local area, as required.

Figure 7
Breakdown of OEA Clients by Location
(Postal Code)
2011-12



Value to Clients

In spite of having celebrated 25 years of service to the Ontario employer community, the OEA continues to have a low profile with its potential clients. Consistently, when asked as part of our on-going client satisfaction surveys, employers tell us that we provide great services, but not enough people know about us. I.e., more employers need to know of the availability of the agency's key workplace safety and insurance services provided free-of-charge to Ontario employers. The OEA's outreach program was created to address this need and currently encompasses a wide range of activities designed to heighten awareness among as many employer communities and employers as possible. With advices provided to employers on the rise once again, we appear to successfully be addressing this need.

Activities during the 2011-12 reporting period included:

- The continued placement of informational newspaper ads. Although not a primary focus for this fiscal year, since there are more cost-effective promotional vehicles available, 7 English-language ads were run across Ontario, and 3 were placed in ethnic publications. The ads were in trade specific (i.e. construction) and general interest publications, mostly relating to Bill 119 and work reintegration.
- Additions to the employer groups who receive articles on workplace safety and insurance related topics to distribute to their members on a regular, on-going basis. The Ontario Restaurant, Hotel and Motel Association (ORHMA), the Ontario Convenience Store Association, The Ontario Industrial Roofing Contractors Association, Certified Management Accountants Ontario and the Ready Mix Concrete Association of Ontario are all new groups on our 'articles of interest' distribution list. These newcomers join such groups as the Certified General Accountants of Ontario, the Ontario Automobile Dealers Association, Ontario Agri-Business Association, as well as Tim Hortons, Wal-Mart and Coffee Time already participants in our program.
- Participation in fourteen conferences and trade shows and summits hosted by various employer groups and associations. The agency also continued to participate in local IAPA tradeshows.
- Continuation of focus on the construction sector. Additional extra outreach efforts were targeted at the service and manufacturing sectors. Advices to the construction sector were up 19%; manufacturing approximately 13% and service 2%, indicative of success across the board in 2011-12. These sectors, plus our role in Section 50 disputes under the Ontario Occupational Health and Safety Act (see ***New Mandate***, below), will be primary targets for outreach activities in 2012-13.

- At least one additional employer associations/groups has added a link to the OEA website from theirs, under such headings as '*helpful web site links*'. Others are in the works.
- In total, more than sixty-seven presentations on such topics as claims management, work reintegration, and Bill 119 were provided to various stakeholder and employer groups by OEA staff. More than 1,440 employer representatives attended, comparable to last year's 1,450 total. The OEA director continues to be very involved in stakeholder consultation and education, providing many small-group presentations on topics of interest to the individual group/s.
- Distribution of more than 2500 of 'Appeals' bookmarks. These bookmarks outline the services available from the OEA with regard to the WSIB appeals process. They are primarily used by the WSIAT as an enclosure in their mailings to employers about their upcoming Appeal.
- 2,100 Non-Construction and 1,450 Construction Employers Guides were distributed through various employer associations, government business centres and trade shows. As noted, this is a very costly publication, and its distribution is being severely curtailed; All guides are available, in their entirely, on the agency's website/s. The Guides remain a very important vehicle to get key information into employers' hands, in an easily accessible format.
- OEA hosting of webinars. 2011-12 saw the acquisition of web-hosting technology by the OEA. We now have the capability to reach up to 125 registrants per webinar session, without incurring any long-distance charges for accessing the audio portion. This is a very cost effective means of delivering information and education to Ontario employers. Three webinars were presented in-year, all on Bill 119, with an attendance of 170 employers; a full slate of sessions is being scheduled for 2012-13.
- Website usage continues to be a strong driver for OEA business. Improvement and addition of content remains an on-going focus for 2012-13.

New Mandate

As of April 1, 2012, the OEA became responsible for the provision of advice and representation services for Ontario employers facing Section 50 complaints under the Ontario Occupational Health and Safety Act. This fulfills a recommendation made under the 2010 Dean panel report.

In anticipation of these additional responsibilities, a new staff position was created, Employer Representative, with the duty of helping employers (having fewer than 50 employees) with claims brought against them by their workers under the relevant section of the OHSA. Updating the website, webinars and other educational presentation opportunities are a focus for the new year.

The program will be evaluated at the end of the 2012-13 fiscal year, to ascertain that the appropriate service model has been implemented.

Finally, in 2011-12, the agency continued to track OEA 'savings' - i.e. money saved by a client employer as a direct and immediate result of the agency's involvement. Savings include such things as a favourable appeal outcome which reversed a decision of original entitlement; or a change to a classification ruling made in an employer's favour, etc. Savings amounted to more than $2,267,700 in fiscal 2011-12. These savings figures represent a very significant contribution to the bottom-line for Ontario's small-employer community. Note that these amounts are straightforward totals of one-time savings from rebates or credits or charges not-incurred. They do not include any projection of future or ongoing savings based on these favourable outcomes, so the ongoing benefit is far in excess of the numbers being reported.

The OEA will continue to monitor its effectiveness with regard to its clients' out-of-pocket costs and savings.

Client Testimonials

We are pleased to provide the following excerpts from communications received from OEA clients, commenting on the services they received from its staff:

Thank you for the services and resources that you provide. You are most fortunate to have employees such as XXXX. Your customer service and experienced employees have made a beneficial impact on small businesses such as ours.

M.T.
East Gwillimbury

I thoroughly enjoyed our conversation this morning. It's refreshing to speak to someone who understands their specialization so well and can communicate its intricacies in such a clear and concise manner. Thank you.

V.M.

I would definitely like to arrange to have you back. Your presentation was excellent and very well received. It is all about education .....Cannot thank you enough.

K.B.
Muskoka

As always, XXX's presentation was outstanding! It is such a pleasure to have such a high-calibre speaker present to the Group. His breadth of knowledge is superb and he has a great way of presenting some difficult and challenging material.

E.D., GTA

Thanks again for your advice ….. I bet all employers wish they could have someone like you around full time.

B.L.
Carp

Thanks so much for your help …. Couldn't have done it without you!

M.L.
Barrie

I just wanted to say 'Thank you' for the presentation this morning to our XXX Safety Group. XXX did an excellent job describing the Work Reintegration and its implications for employers. It was well received and very applicable, as the group is working on this currently. … Thank you very much!!

H.D.
Kitchener

I would like to thank you XXX and Office of the Employer Adviser for all the help and assistance in this and other cases over the last few years. You were great help.

C.C.
Mississauga

I wanted to take the opportunity to express my gratitude to XXX for the hard work and his due diligence in defending our rights in the dispute with W.S.I.B. Whether we win or lose the case, I am satisfied that XXX represented as well as any trial lawyer would have.

B.M.
Kingston

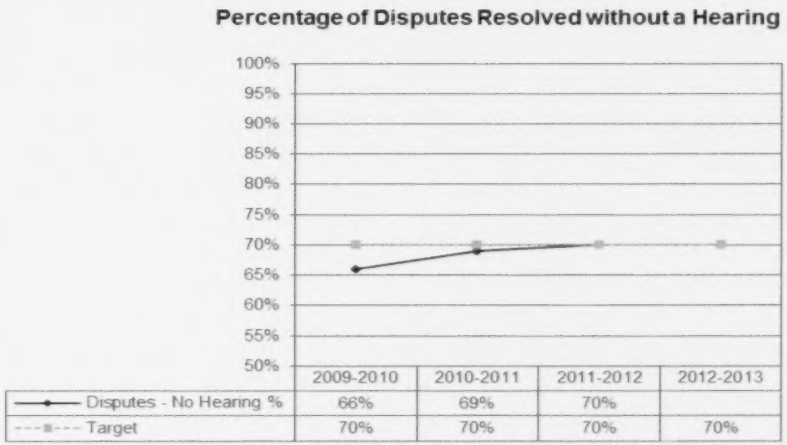
I just wanted to take this opportunity to thank you for the great work on the XXXX file.

M.C.
Mississauga

Appendix A: OEA Performance Measures 2011-2012

Key Activities: Advice and Representation Services — A1

Performance measure for 2011-2012: Percentage of disputes resolved without a hearing



	2009-2010	2010-2011	2011-2012	2012-2013
Disputes - No Hearing %	66%	69%	70%	
Target	70%	70%	70%	70%

Agency Contribution

OEA staff employs alternate dispute resolution strategies such as negotiation and mediation to help employers resolve disputes at an earlier stage.

In revenue matters where the dispute only involves two parties (i.e. the WSIB and the employer), every effort is made to resolve matters at the operating level. However, 95% of appeals are worker-driven and employers often contact the OEA for assistance after the dispute has proceeded to the appeal level. This limits the target that can realistically be achieved.

What does the graph show?

While the OEA consistently contributes to the reduction of adversity in the workplace safety and insurance system and helping employers to manage disputes more efficiently and effectively, the measure is not directly controlled or controllable by the OEA. Ultimately, since most appeals are worker-driven and employers have the final decision on whether or not to settle prior to a hearing, this measure will fluctuate according to employer climate and issues in any given year. This performance measure is consistently between 65-70%, indicating that the OEA continues to help a substantial number of employers prior to the hearing stage.

2011-12 Commitments

The commitment for 2011-12 was 70% of disputes resolved without a hearing.

Long-term Target

The long-term target is 70%

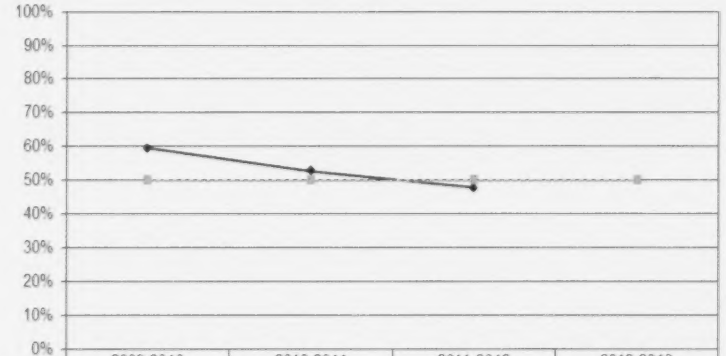
µ Proposed for Publication	µ Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix A: OEA Performance Measures 2011-2012

Key Activities: Advice and Representation Services — A2

Performance measure for 2011-2012: Percentage of clients served in year that used OEA services for the first time.

Percentage of New Clients Served



	2009-2010	2010-2011	2011-2012	2012-2013
New Clients	60%	53%	48%	
Target	50%	50%	50%	50%

Agency Contribution

Client feedback consistently calls on the OEA to ensure that more employers are aware of our services. The OEA also strives to ensure that employers become more self-reliant through casework.

This measure helps to determine whether we are expanding our reach to those eligible employers who are paying for OEA services in their WSIB premiums, but who have not previously accessed our services.

What does the graph show?

The OEA's outreach efforts are allowing the agency to reach new clients, ensuring that more Ontario employers avail themselves of the agency's free, expert and confidential services.

2011-12 Commitments

The commitment for 2011-12 was 50% new clients served in year. This target was almost met, with an achievement of 48%.

Long-term Target

The long-term target is 55%.

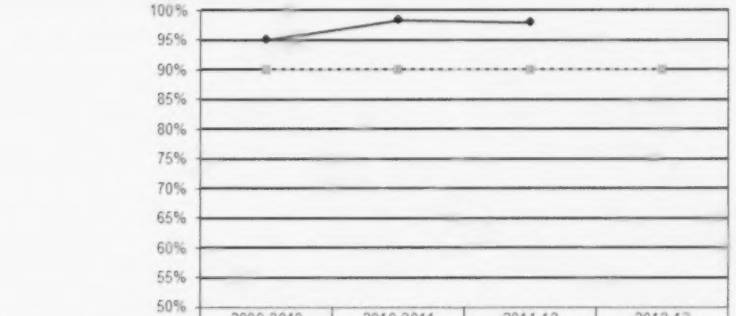
μ Proposed for Publication	μ Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix A: OEA Performance Measures 2011-2012

Key Activities: Advice and Representation Services — A3

Performance measure for 2011-2012: A customer satisfaction rate of 90% or higher.

Percentage of Satisfied Clients



	2009-2010	2010-2011	2011-12	2012-13
Satisfied Clients	95%	98.40%	98.00%	
Target	90%	90%	90%	90%

Agency Contribution

The primary complaint heard by agency staff is that employers were not aware of its services sooner. Most employers using the agency's services are very satisfied with the services they receive.

In addition to OPS customer service standards, the OEA has a number of internal standards, policies and performance measures, including those for telephone services and for file review, client follow up, etc., to maximize the service experience of OEA clients. The OEA's case management system was designed to provide tools to OEA staff that help them monitor and meet these expectations.

What does the graph show?

OEA clients are very satisfied with the service they receive.

Note that this graph shows the combined rate for both OEA business streams – Advice Centre and Employer Representation.

2011-12 Commitments

The commitment for 2011-12 was a 90% client satisfaction rate. This target was exceeded.

Long-term Target

The long-term target is 90%.

μ Proposed for Publication	μ Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix B: OEA Financial Report 2011 –2012

All Figures in $000.0 thousand (except "% of Variance" column)

Account	Final Budget *	Total Actual Expenditures **	Variance	% Variance	Explanation
Salaries & Wages	2,510.7	2,333.5	177.2	7.1	*Not full FTE complement*
Benefits	577.5	613.9	(36.4)	-6.3	
Transp. & Comm.	150.0	114.2	35.8	23.9	
Services (incl. Lease)	393.6	274.7	118.9	30.2	*Discretionary spending controlled; not full complement of FTEs*
Supplies & Equip.	88.9	52.2	36.7	41.3	*Discretionary spending controlled; not full complement of FTEs*
ODOE	632.5	441.1	191.4	30.3	
Transfer Payments	0.0	0.0	0.0		
Total	**3,720.7**	**3,388.5**	**332.2**	**8.9**	
Recoveries	**(3,719.7)**	**(3,388.4)**	**(331.3)**	**8.9**	
TOTAL	**1.0**	**0.1**	**0.9**		

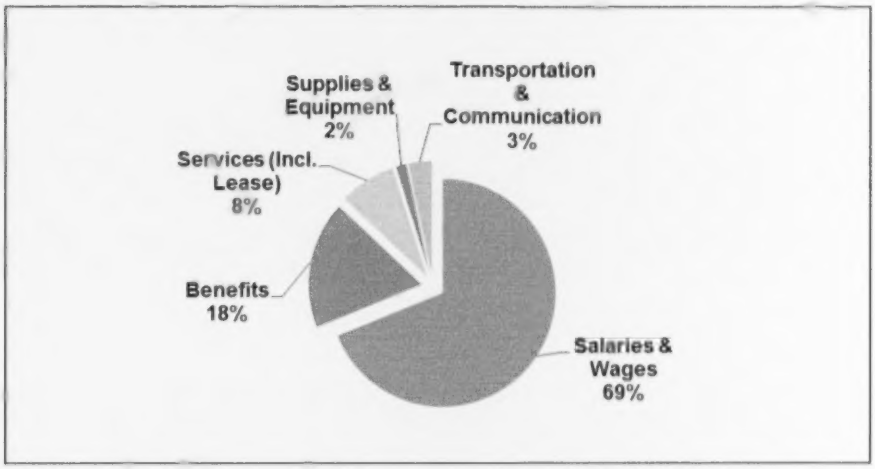
- * Final Budget = Printed Estimates, +/- TBO and/or re-alignment of funds by standard account.

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Not applicable					

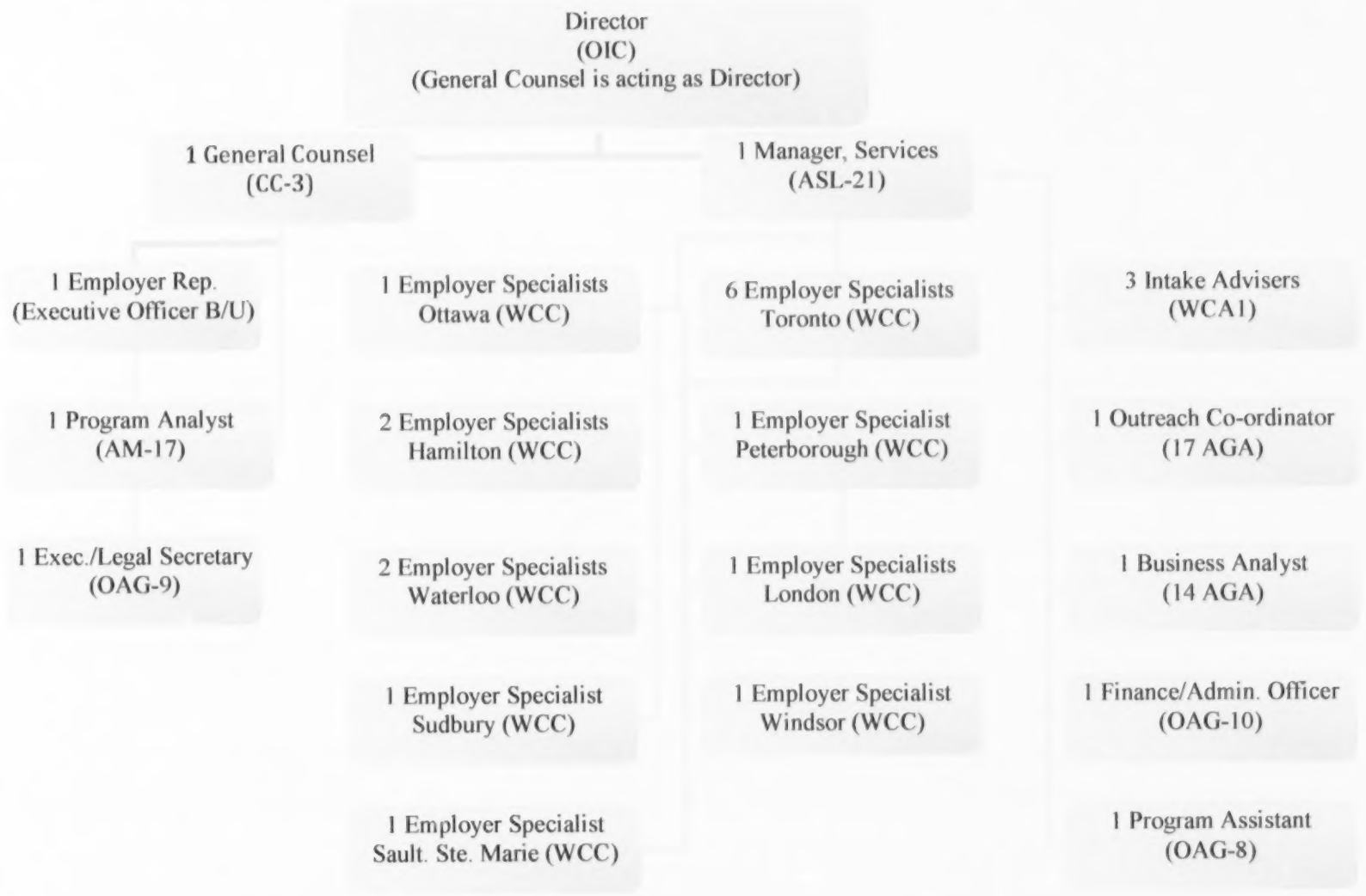
- ** Total Actual Expenditures including lease cost.

Figure 8

2011-12 Budget Actuals



Appendix C: OEA Organization Chart



- An OIC appointment has not been made to the OEA and the General Counsel is currently acting as the Director.

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